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UNITED STATES OF AMERICA

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

3 OCT 25 2000
at ___ o'clock and ___ min M.
WALTER A.Y.H. CHINN, CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 00-00185 SOM
)	
Plaintiff,)	SECOND SUPERSEDING
)	INDICTMENT
v.)	
)	[21 U.S.C. §§ 846,
JOSE ANGEL LEMON-PENA,	(01),)	841(a)(1), 843(b),
aka "Valerio,")	853; 8 U.S.C. §
aka "Koki,")	1326; 18 U.S.C. §2]
FERMIN PENA,	(02),)	
EDUARDO VELASCO,	(03),)	
aka "Carlos Perez-Garcia,")	
THOMAS MARINO, SR.,	(04),)	
ANA MARINO,	(05),)	
TOMAS MARINO, JR.,	(06),)	
PABLO ROMERO,	(07),)	
aka "Pablo Gilberto Romero-Flores,")	
aka "Sonny,")	
ADRIAN BARAHONA,	(08),)	
aka "Cuevas,")	
aka "Covachas,")	
ISIDRO LNU,	(10),)	
aka "Michael Reyes,")	
ROBERT MAHONEY,	(11),)	
)	
Defendants.)	

ATTEST: A True Copy
WALTER A.Y.H. CHINN
Clerk, United States District
Court, District of Hawaii
By Deputy

SECOND SUPERSEDING INDICTMENT

COUNT 1

The Grand Jury charges that:

From a date unknown, but from at least on or about May 1, 1999 to on or about May 3, 2000, in the District of Hawaii and elsewhere, the defendants JOSE ANGEL LEMON-PENA, aka "Valerio," aka "Koki," FERMIN PENA, EDUARDO VELASCO, aka "Carlos Perez-Garcia," THOMAS MARINO, SR., ANA MARINO, TOMAS MARINO, JR., PABLO ROMERO, aka "Pablo Gilberto Romero-Flores," aka "Sonny," ADRIAN BARAHONA, aka "Cuevas," aka "Covachas," ISIDRO LNU, aka "Michael Reyes," and ROBERT MAHONEY did conspire together with each other and with Felipe Ruiz-Castro, Francisco Mora-Garcia, Manuel Javier Rodrigues-Martinez, aka "Javier," Francisco Servin-Soto, aka "Pancho," Jessica Guzman-Soto, Jose Luis Vasquez, Randall Ramelb, aka "Randy," Martin Arreaga, aka "El Burro," aka "Manny," Cheryl Yates, Jorge Casas, aka "Jorge Cano," aka "George," Leah Cardenas, Basilia Salamanca, Jesus Martin Reyes Mojardin, aka "The Man," Raquel Salazar Salazar, aka "Don Alberto," aka "Don Roberto," Sabino Albarran, aka "Pelon," Antonio Mora-Garcia, aka "Tono," Mona Hiiaca Huihui aka "Jiaca," Karla Kahau, Miguel Gaytan Perez, aka "Pato," Victor Navarez, Joaquin Aguilar, aka "Negro," aka "Cacharpas," Brian Paschoal, Pedro Jiminez, Fernando Rios, Laurie Horswill-Smith, aka "Mola," Pualani Horswill, aka "Pua," Wendy Bettis, Romeo Antonio Castro-Avalos, aka "Antonio

Perez," aka "Tony," aka Salvadoran," Ismael Rocha-Manzanarez, aka "Ivan Leyva-Mansares," aka "Mayelo," Fermin Rivera, Alma Rosie Rodriguez, aka "Rosie," Raul LNU, Hipolito LNU, aka "Poli," Alvaro LNU, aka "Guero," Carlos Guerrero, aka "Pepechin," Casey Smythe, aka "K.C.," Jose Acevedo-Gasca, Gustavo Sanchez, Tracy Garcia Sanchez, Brian Joshua Jones, aka "El Tigre," Leroy Mollena, Arturo Flores, aka "El Bomba," Enrique Reyes, aka "Toribio," Guillermo Alvarez, aka "Willie," Leopoldo Castro-Lopez, aka "Polo," Salvador Castillo, aka "Chava," Holmar Hernandez, aka "Omar," Armando Montano Rodriguez, aka "Camote," aka "Teco," Carlos Reyes-Castro, aka "Sergio," aka "Carlos," Eduardo Velasco, aka "Carlos Perez-Garcia," Juan Hernandez, aka "Juan Luis," aka "Piolas," not defendants herein, and with other persons unknown to the Grand Jury, to commit offenses against the United States, that is, to knowingly and intentionally distribute and possess with intent to distribute cocaine, a Schedule II controlled substance, to distribute and possess with intent to distribute heroin, a Schedule I controlled substance, to distribute and possess with intent to distribute crystal methamphetamine - "ice," a Schedule II controlled substance, and to distribute and possess with intent to distribute marijuana, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1).

Ways and Means of Accomplishing the Conspiracy

1) The Ruiz-Mora drug distribution organization consisted of a group of individuals who obtained cocaine, heroin, crystal methamphetamine - "ice," and marijuana from the West Coast of the U.S. mainland, from Mexico and from Hawaii for distribution in Hawaii, and who distributed cocaine, heroin, crystal methamphetamine - "ice," and marijuana in Hawaii.

2) Jesus Martin Reyes Mojardin, aka "The Man," Raquel Salazar Salazar, aka "Don Alberto," aka "Don Roberto," Francisco Servin-Soto, aka "Pancho," Jessica Guzman-Soto, Jorge Casas, aka "Jorge Cano," aka "George," Leah Cardenas, FERMIN PENA and Fermin Rivera supplied cocaine and heroin to the co-conspirators named in this Indictment.

3) Jorge Casas, aka "Jorge Cano," aka "George," JOSE ANGEL LEMON-PENA, aka "Valerio," aka "Koki," FERMIN PENA, and Leopoldo Castro-lopez, aka "Polo," supplied crystal methamphetamine - "ice" to the co-conspirators named in the indictment.

a) Brian Paschoal and Victor Navarez supplied marijuana to the co-conspirators named in the indictment.

4) Various co-conspirators, acting as drug couriers, traveled between Hawaii and the West Coast of the United States and Mexico (a) to obtain and deliver cocaine and heroin supplied by Francisco Servin-Soto, aka "Pancho," Jessica Guzman-Soto,

Jesus Martin Reyes Mojardin, aka "The Man," Raquel Salazar Salazar, aka "Don Alberto," aka "Don Roberto," Jorge Casas, aka "Jorge Cano," aka "George," Leah Cardenas, JOSE ANGEL LEMON-PENA, aka "Valerio," aka "Koki," FERMIN PENA, Fermin Rivera, and others to the Ruiz-Mora drug distribution organization, and (b) to deliver United States currency to Francisco Servin-Soto, aka "Pancho," Jessica Guzman-Soto, Jesus Martin Reyes Mojardin, aka "The Man," Raquel Salazar Salazar, aka "Don Alberto," aka "Don Roberto," Jorge Casas, aka "Jorge Cano," aka "George," Leah Cardenas, JOSE ANGEL LEMON-PENA, aka "Valerio," aka "Koki," FERMIN PENA, Fermin Rivera and others in payment for the cocaine and marijuana.

5) Mona Hiiaca Huihui, aka "Jiaca," Karla Kahau, and ADRIAN BARAHONA, aka "Cuevas," aka "Covachas," traveled from Hawaii to the West Coast of the United States and Mexico for the purpose of obtaining cocaine and heroin for distribution in Hawaii.

6) Brian Joshua Jones, aka "El Tigre," and EDUARDO VELASCO, aka "Carlos Perez-Garcia," traveled from the West Coast of the United States to Hawaii to supply the Ruiz-Mora organization with cocaine, heroin, and crystal methamphetamine - "ice."

7) Co-conspirators Marcia Solano and Miriam Espinosa traveled from the West Coast of the United States to Hawaii for

the purpose of delivering cocaine to Hawaii and carrying U.S. currency back to the West Coast of the United States.

8) In this way, Francisco Servin-Soto, aka "Pancho," Jessica Guzman-Soto, Jesus Martin Reyes Mojardin, aka "The Man," Raquel Salazar Salazar, aka "Don Alberto," aka "Don Roberto," Jorge Casas, aka "Jorge Cano," aka "George," Leah Cardenas, FERMIN PENA, JOSE ANGEL LEMON-PENA, aka "Valerio," aka "Koki," and Fermin Rivera during the existence of the conspiracy, supplied and attempted to supply the Ruiz-Mora drug distribution organization with kilogram quantities of cocaine, ounces of heroin and pound quantities of crystal methamphetamine - "ice," for distribution in Hawaii.

9) Once cocaine, heroin, crystal methamphetamine - "ice," and marijuana, supplied by Francisco Servin-Soto, aka "Pancho," Jessica Guzman-Soto, JOSE ANGEL LEMON-PENA, aka "Valerio," aka "Koki," Jorge Casas, aka "Jorge Cano," aka "George," Leah Cardenas, Fermin Rivera and FERMIN PENA, arrived in Hawaii, various members of the Ruiz-Mora drug distribution organization repackaged the quantities of cocaine, heroin, crystal methamphetamine - "ice," and marijuana into smaller quantities for distribution and distributed quantities of that cocaine, heroin, crystal methamphetamine - "ice," and marijuana in Hawaii to purchasers, usually in ounce and gram quantities.

10) Felipe Ruiz-Castro and Francisco Mora-Garcia used La Fogata Mexican Restaurant in Lahaina to store cocaine, heroin, crystal methamphetamine - "ice," and marijuana.

11) The co-conspirators distributed cocaine, heroin, crystal methamphetamine - "ice," and marijuana on Maui, Oahu, Kauai and the Island of Hawaii for cash.

12) The co-conspirators concealed the income and assets derived from the sale of controlled substances through the use of wire transfers of U.S. currency.

13) The co-conspirators used long distance telephone calls, telephone pagers and cellular telephones to arrange for the distribution of cocaine, heroin, crystal methamphetamine - "ice," and marijuana.

Overt Acts

In furtherance of and in order to accomplish the objects of this conspiracy, the defendants and their co-conspirators performed overt acts in the District of Hawaii and elsewhere, including but not limited to the following:

1. On or about May 19, 1999, Manuel Javier Rodrigues-Martinez, aka "Javier," distributed a quantity of heroin in Lahaina, Maui for \$2,800.

2. On or about August 30, 1999, Felipe Ruiz-Castro distributed a quantity of cocaine in Lahaina, Maui for \$1,000.

3. On or about November 30, 1999, Felipe Ruiz-Castro distributed a quantity of cocaine in Lahaina, Maui for \$3,000.

4. On or about December 10, 1999, Francisco Servin-Soto, aka "Pancho," telephoned Marcia Solano and discussed a trip to Hawaii.

5. On or about December 13, 1999, Francisco Servin-Soto, aka "Pancho," telephoned Basilia Salamanca and discussed the transportation of a quantity of cocaine from California to Hawaii by two women couriers.

6. On or about December 14, 1999, Francisco Servin-Soto, aka "Pancho," made a long distance telephone call from Pomona, California to Felipe Ruiz-Castro in Lahaina, Maui, Hawaii and discussed the purchase of airline tickets.

7. On or about December 14, 1999, Jessica Guzman-Soto called Marcia Solano and discussed carrying a quantity of cocaine from California to Hawaii.

8. On or about December 15, 1999, Francisco Servin-Soto, aka "Pancho," drove Marcia Solano and Miriam Espinosa to Los Angeles International Airport.

9. On or about December 15, 1999, Marcia Solano and Miriam Espinosa transported approximately two pounds of cocaine on board a United Airlines flight to Kahului, Maui.

10. On or about December 16, 1999, Basilia Salamanca telephoned Francisco Servin-Soto, aka "Pancho," and discussed the arrest of Marcia Solano and Miriam Espinosa by the police on Maui, Hawaii.

11. On or about December 22, 1999, Felipe Ruiz-Castro telephoned Francisco Servin-Soto, aka "Pancho," and discussed the arrest of Marcia Solano by the police in Maui, Hawaii.

12. On or about December 27, 1999, Raquel Salazar Salazar, aka "Don Alberto," aka "Don Roberto," telephoned Francisco Servin-Soto, aka "Pancho," and discussed the arrest of Marcia Solano and Miriam Espinosa in Hawaii and the payment of monies owed for the cocaine provided to Francisco Servin-Soto and transported to Maui, Hawaii by Marcia Solano and Miriam Espinosa.

13. On or about December 29, 1999, Raquel Salazar Salazar, aka "Don Alberto," aka "Don Roberto," telephoned Francisco Servin-Soto, aka "Pancho," and discussed taking precautions to avoid apprehension by the police.

14. On or about January 9, 2000, Raquel Salazar Salazar, aka "Don Alberto," aka "Don Roberto," telephoned Francisco Servin-Soto, aka "Pancho," and discussed the payment of monies owed for the cocaine transported to Maui, Hawaii by Solano and Espinosa.

15. On or about January 13, 2000, Jesus Martin Reyes Mojardin, aka "The Man," telephoned Francisco Servin-Soto, aka "Pancho," and discussed the payment of monies owed by Francisco Servin-Soto, aka "Pancho," for the cocaine transported to Maui, Hawaii by Solano and Espinosa.

16. On or about January 18, 2000, Jesus Martin Reyes Mojardin, aka "The Man," telephoned Jessica Guzman-soto and discussed the payment of monies owed by Francisco Servin-soto, aka "Pancho," for the cocaine transported to Maui, Hawaii by Solano and Espinosa.

17. On or about January 19, 2000, Jesus Martin Reyes Mojardin, aka "The Man," telephoned Jessica Guzman-Soto and discussed the payment of monies owed by Francisco Servin-Soto, aka "Pancho," for the cocaine transported to Maui, Hawaii by Solano and Espinosa.

18. On or about January 25, 2000, Jesus Martin Reyes Mojardin, aka "The Man," telephoned Jessica Guzman-soto and discussed the payment of monies owed by Francisco Servin-soto, aka "Pancho," for the cocaine transported to Maui, Hawaii by Solano and Espinosa.

19. On or about January 25, 2000, Francisco Servin-Soto, aka "Pancho," telephoned Jessica Guzman-Soto and discussed the payment of monies to Jesus Martin Reyes Mojardin, aka "The Man," for the cocaine transported to Maui, Hawaii.

20. On or about February 9, 2000, Armando Montano Rodriguez, aka "Camote," aka "Teco," arranged a wire transfer of \$2,000 to Mexico.

21. On or about February 9, 2000, defendant PABLO ROMERO, aka "Pablo Gilberto Romero-Flores," aka "Sonny," spoke to Felipe Ruiz-Castro on the telephone.

22. On or about February 10, 2000, Jorge Casas, aka "Jorge Cano," aka "George," telephoned Felipe Ruiz-Castro and discussed the transfer of a sum of money from Hawaii to California.

23. On or about February 10, 2000, Felipe Ruiz-Castro instructed Sabino Albarran, aka "Pelon," to tell defendant ADRIAN BARAHONA, aka "Cuevas," aka "Covachas," to prepare to travel to California.

24. On or about February 10, 2000, defendant ADRIAN BARAHONA, aka "Cuevas," aka "Covachas," traveled to California carrying a large quantity of cash.

25. On or about February 11, 2000, Felipe Ruiz-Castro telephoned Jorge Casas, aka "Jorge Cano," aka "George," and discussed the transport of a sum of money to California by an associate.

26. On or about February 11, 2000, Felipe Ruiz-Castro telephoned defendant THOMAS MARINO, SR. and discussed the sale of a quantity of drugs.

27. On or about February 11, 2000, Felipe Ruiz-castro telephoned defendant ANA MARINO and discussed the sale of a quantity of drugs.

28. On or about February 11, 2000, Francisco Mora-Garcia telephoned Felipe Ruiz-Castro and discussed the transfer of a sum of money to California.

29. On or about February 14, 2000, Brian Joshua Jones, aka "El Tigre," traveled to Maui.

30. On or about February 15, 2000, defendant JOSE ANGEL LEMON-PENA, aka "Valerio," aka "Koki," Called Felipe Ruiz-Castro on the telephone.

31. On or about February 24, 2000, Armando Montano Rodriguez, aka "Camote," aka "Teco," called Felipe Ruiz-Castro on the telephone.

32. On or about February 24, 2000, defendant JOSE ANGEL LEMON-PENA, aka "Valerio," aka "Koki," called Felipe Ruiz-Castro on the telephone.

33. On or about February 24, 2000, Sabino Albarran, aka "Pelon," distributed approximately eight ounces of cocaine.

34. On or about February 28, 2000, Pedro Jiminez and Fernando Rios transported approximately one ounce of crystal methamphetamine - "ice," and \$25,000 in U.S. currency to Phoenix, Arizona.

35. On or about February 29, 2000, defendant ADRIAN BARAHONA, aka "Cuevas," aka "Covachas," transported approximately 50 grams of crystal methamphetamine - "ice," to Kona, Hawaii from Maui.

36. On or about March 21, 2000, defendant ROBERT MAHONEY spoke to Felipe Ruiz-Castro on the telephone.

37. On or about March 22, 2000, Mona Hiiaca Huihui, aka "Jiaca," and Karla Kahau traveled to Las Vegas, Nevada to obtain a quantity of crystal methamphetamine - "ice."

38. On or about March 22, 2000, defendant ROBERT MAHONEY spoke to Felipe Ruiz-Castro on the telephone.

39. On or about March 25, 2000, defendant ROBERT MAHONEY spoke to Felipe Ruiz-Castro on the telephone.

40. On or about March 30, 2000, Mona Hiiaca Huihui, aka "Jiaca," and Karla Kahau carried approximately two pounds of crystal methamphetamine - "ice," through the Las Vegas, Nevada airport.

41. On or about April 7, 2000, defendant TOMAS MARINO, JR. spoke to Felipe Ruiz-Castro on the telephone.

42. On or about April 16, 2000, Brian Joshua Jones, aka "El Tigre," transported approximately six kilograms of cocaine from California to Honolulu, Hawaii.

43. On or about April 27, 2000, defendant EDUARDO VELASCO, aka "Carlos Perez-Garcia," transported approximately 140

grams of crystal methamphetamine - "ice," from California to Kahului, Maui.

All in violation of Title 21, United States Code, Section 846.

COUNT 2

The Grand Jury further charges that:

A. In committing the offense alleged in Count 1 of this Indictment, defendants THOMAS MARINO, SR. and ANA MARINO used, or intended to be used, in any manner or part, the following real property, to commit, or to facilitate the commission of said offense:

Real Property identified as Tax Map Key Number 4-5-034-009, bearing street address 811 Niheu Place, Lahaina, Maui and described as all of that certain parcel of land situate at Lahaina, Island and County of Maui, State of Hawaii, being Lot 9, of the "Kelawea Mauka III Subdivision, Phase II", as shown on File Plan No. 1746, filed in the Bureau of Conveyances of the State of Hawaii, and containing an area of 6,728 square feet, more or less, and all appurtenances and improvements thereto.

B. Furthermore, any and all property constituting or derived from any proceeds the defendants obtained, directly or indirectly, as a result of the offense.

C. Furthermore, any and all property located within the United States, and any property not specifically named herein which was used, or intended to be used, to commit or to facilitate the commission of said offense, and any property

constituting or derived from any proceeds obtained directly or indirectly as a result of the offense.

If any of the above-described forfeitable property, as a result of any act or omission of the defendants -

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or has been commingled with other property which cannot be subdivided without difficulty;

It is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

By virtue of the commission by said defendants of the said offense charged in the Indictment, said defendants shall forfeit any and all interest they have in the aforesaid properties pursuant to Title 21, United States Code, Section 853.

All in violation of Title 21, United States Code, Section 853.

COUNT 3

The Grand Jury further charges that:

On or about February 9, 2000, in the District of Hawaii, the defendant PABLO ROMERO, aka "Sonny," and Felipe Ruiz-Castro used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute heroin, cocaine, crystal methamphetamine - "ice, and marijuana, all controlled substances, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code, Section 843(b).

COUNT 4

The Grand Jury further charges that:

On or about February 11, 2000, in the District of Hawaii, Felipe Ruiz-Castro and defendant THOMAS MARINO, SR. used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a possession with intent to distribute a quantity of cocaine, a Schedule II controlled substance, a felony under Title 21, United States Code, Section 841(a)(1).

All in violation of Title 21, United States Code, Section 843(b).

COUNT 5

The Grand Jury further charges that:

On or about February 11, 2000, in the District of Hawaii, Felipe Ruiz-Castro and defendant ANA MARINO used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a of a conspiracy to distribute cocaine, heroin, crystal methamphetamine - "ice," and marijuana, all controlled substances, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code, Section 843(b).

COUNT 6

The Grand Jury further charges that:

On or about February 15, 2000, in the District of Hawaii and elsewhere, Felipe Ruiz-Castro and defendant JOSE ANGEL LEMON-PENA, aka "Valerio," aka "Koki," used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute a quantity of cocaine, heroin, crystal methamphetamine - "ice," and marijuana, all controlled substances, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code, Section 843(b).

COUNT 7

The Grand Jury further charges that:

On or about February 24, 2000, in the District of Hawaii and elsewhere, defendant JOSE ANGEL LEMON-PENA, aka "Valerio," aka "Koki," and Felipe Ruiz-Castro used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute cocaine, heroin, crystal methamphetamine - "ice," and marijuana, all controlled substances, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code, Section 843(b).

COUNT 8

The Grand Jury further charges that:

On or about February 24, 2000, in the District of Hawaii and elsewhere, defendant JOSE ANGEL LEMON-PENA, aka "Valerio," aka "Koki," and Felipe Ruiz-Castro used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute a quantity of cocaine, heroin, crystal methamphetamine - "ice," and marijuana, all controlled substances, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code, Section 843(b).

COUNT 9

The Grand Jury further charges that:

On or about February 26, 2000, in the District of Hawaii, Felipe Ruiz-Castro and defendant THOMAS MARINO., SR. used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute a quantity of cocaine, heroin, crystal methamphetamine - "ice," and marijuana, all controlled substances, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code, Section 843(b).

COUNT 10

The Grand Jury further charges that:

On or about February 28, 2000, in the District of Hawaii, Felipe Ruiz-Castro and defendant ISIDRO LNU, aka "Michael Reyes," used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a possession with intent to distribute a quantity of crystal methamphetamine - "ice," a Schedule II controlled substance, a felony under Title 21, United States Code, Section 841(a)(1).

All in violation of Title 21, United States Code, Section 843(b).

COUNT 11

The Grand Jury further charges that:

On or about February 29, 2000, in the District of Hawaii, Felipe Ruiz-Castro and defendant ISIDRO LNU, aka "Michael Reyes," used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute cocaine, heroin, crystal methamphetamine - "ice," and marijuana, all controlled substances, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code, Section 843(b).

COUNT 12

The Grand Jury further charges that:

On or about February 29, 2000, in the District of Hawaii, ADRIAN BARAHONA, aka "Cuevas," aka "Covachas," ISIDRO LNU, aka "Michael Reyes," Felipe Ruiz-Castro, Leopoldo Castro-Lopez, aka "Polo," and Sabino Albarran, aka "Pelon," did knowingly and intentionally aid and abet each other in the possession with intent to distribute a quantity of crystal methamphetamine - "ice," in excess of 50 grams, to wit, approximately 56 grams of crystal methamphetamine - "ice," a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT 13

The Grand Jury further charges that:

On or about March 7, 2000, in the District of Hawaii, Felipe Ruiz-Castro and defendant THOMAS MARINO, SR. used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute a quantity of cocaine, heroin, crystal methamphetamine - "ice," and marijuana, all controlled substances, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code, Section 843(b).

COUNT 14

The Grand Jury further charges that:

On or about March 12, 2000, in the District of Hawaii, defendant ROBERT MAHONEY and Felipe Ruiz-Castro used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute a quantity of cocaine, heroin, crystal methamphetamine - "ice," and marijuana, all controlled substances, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code,
Section 843(b).

COUNT 15

The Grand Jury further charges that:

On or about March 15, 2000, in the District of Hawaii,
defendant ROBERT MAHONEY and Felipe Ruiz-Castro used and caused
to be used a communications facility, that is, a telephone, in
causing or facilitating the commission of a conspiracy to
distribute a quantity of cocaine, heroin, crystal methamphetamine
- "ice," and marijuana, all controlled substances, a felony under
Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code,
Section 843(b).

COUNT 16

The Grand Jury further charges that:

On or about March 15, 2000, in the District of Hawaii,
Felipe Ruiz-Castro and defendant THOMAS MARINO, SR. used and
caused to be used a communications facility, that is, a
telephone, in causing or facilitating the commission of a
conspiracy to distribute cocaine, heroin, crystal methamphetamine
- "ice," and marijuana, all controlled substances, a felony under
Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code,
Section 843(b).

COUNT 17

The Grand Jury further charges that:

On or about March 17, 2000, in the District of Hawaii, defendant ISIDRO LNU, aka "Michael Reyes," and Felipe Ruiz-Castro used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute cocaine, heroin, crystal methamphetamine - "ice," and marijuana, all controlled substances, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code, Section 843(b).

COUNT 18

The Grand Jury further charges that:

On or about March 18, 2000, in the District of Hawaii, Felipe Ruiz-Castro and defendant THOMAS MARINO, SR. used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute a quantity of cocaine, heroin, crystal methamphetamine - "ice," and marijuana, all controlled substances, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code, Section 843(b).

COUNT 19

The Grand Jury further charges that:

On or about March 21, 2000, in the District of Hawaii, defendant ROBERT MAHONEY and Felipe Ruiz-Castro used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute a quantity of cocaine, heroin, crystal methamphetamine - "ice," and marijuana, all controlled substances, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code, Section 843(b).

COUNT 20

The Grand Jury further charges that:

On or about March 22, 2000, in the District of Hawaii, defendant ROBERT MAHONEY and Felipe Ruiz-Castro used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute a quantity of cocaine, heroin, crystal methamphetamine - "ice," and marijuana, all controlled substances, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code, Section 843(b).

COUNT 21

The Grand Jury further charges that:

On or about March 25, 2000, in the District of Hawaii, defendant ROBERT MAHONEY used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute a quantity of cocaine, heroin, crystal methamphetamine - "ice," and marijuana, all controlled substances, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code, Section 843(b).

COUNT 22

The Grand Jury further charges that:

On or about March 29, 2000, in the District of Hawaii and elsewhere, defendant ROBERT MAHONEY and Felipe Ruiz-Castro used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute a quantity of cocaine, heroin, crystal methamphetamine - "ice," and marijuana, all controlled substances, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code, Section 843(b).

COUNT 23

The Grand Jury further charges that:

On or about March 29, 2000, in the District of Hawaii and elsewhere, defendant ANA MARINO used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute a quantity of cocaine, heroin, crystal methamphetamine - "ice," and marijuana, all controlled substances, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code, Section 843(b).

COUNT 24

The Grand Jury further charges that:

On or about April 4, 2000, in the District of Hawaii, Felipe Ruiz-Castro and defendant ANA MARINO used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a of a conspiracy to distribute cocaine, heroin, crystal methamphetamine - "ice," and marijuana, all controlled substances, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code, Section 843(b).

COUNT 25

The Grand Jury further charges that:

On or about April 7, 2000, in the District of Hawaii, Felipe Ruiz-Castro and defendant TOMAS MARINO, JR. used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute cocaine, heroin, crystal methamphetamine - "ice," and marijuana, all controlled substances, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code, Section 843(b).

COUNT 26

The Grand Jury further charges that:

On or about April 9, 2000, in the District of Hawaii, defendant ANA MARINO and Francisco Mora-Garcia, aka "Pancho," used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute cocaine, heroin, crystal methamphetamine - "ice," and marijuana, all controlled substances, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code, Section 843(b).

COUNT 27

The Grand Jury further charges that:

On or about April 15, 2000, in the District of Hawaii, Francisco Mora-Garcia, aka "Pancho," THOMAS MARINO, SR., and ANA MARINO used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a of a conspiracy to distribute cocaine, heroin, crystal methamphetamine - "ice," and marijuana, all controlled substances, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code, Section 843(b).

COUNT 28

The Grand Jury further charges that:

On or about April 17, 2000, in the District of Hawaii, Felipe Ruiz-castro and defendant THOMAS MARINO, SR. used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a of a conspiracy to distribute cocaine, heroin, crystal methamphetamine - "ice," and marijuana, all controlled substances, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code, Section 843(b).

COUNT 29

The Grand Jury further charges that:

On or about April 22, 2000, in the District of Hawaii and elsewhere, defendant EDUARDO VELASCO, aka "Carlos Perez-Garcia," and Felipe Ruiz-Castro used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a possession with intent to distribute a quantity of crystal methamphetamine - "ice," in excess of 50 grams, to wit, approximately 140 grams of crystal methamphetamine - "ice," a Schedule II controlled substance, a felony under Title 21, United States Code, Section 841(a)(1).

All in violation of Title 21, United States Code, Section 843(b).

COUNT 30

The Grand Jury further charges that:

On or about April 23, 2000, in the District of Hawaii and elsewhere, defendant FERMIN PENA and Felipe Ruiz-Castro used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a possession with intent to distribute a quantity of crystal methamphetamine - "ice," in excess of 50 grams, to wit, approximately 140 grams of crystal methamphetamine - "ice," a Schedule II controlled substance, a felony under Title 21, United States Code, Section 841(a)(1).

All in violation of Title 21, United States Code, Section 843(b).

COUNT 31

On or about April 26, 2000, in the District of Hawaii and elsewhere, defendant FERMIN PENA and Felipe Ruiz-Castro used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to possess with intent to distribute a quantity of crystal methamphetamine - "ice," in excess of 50 grams, to wit, approximately 140 grams of crystal methamphetamine - "ice," a Schedule II controlled substance, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code, Section 843(b).

COUNT 32

On or about April 27, 2000, in the District of Hawaii and elsewhere, FERMIN PENA, EDUARDO VELASCO, aka "Carlos Perez-Garcia," and Felipe Ruiz-Castro did knowingly and intentionally aid and abet each other in the possession with intent to distribute a quantity of crystal methamphetamine - "ice," in excess of 50 grams, to wit, approximately 140 grams of crystal methamphetamine - "ice," a Schedule II controlled substance. The defendants knew and intended that the crystal methamphetamine - "ice," would be distributed in Hawaii.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT 33

The Grand Jury further charges that:

On or about April 27, 2000, in the District of Hawaii, EDUARDO VELASCO, aka "Carlos Perez-Garcia," who had previously been denied admission, excluded, deported and removed and departed the United States with an order of exclusion, deportation, or removal was outstanding was found in the United States without the consent of the Attorney General of the United States for reapplication by the defendant for admission into the United States.

All in violation of Title 8, United States Code, Section 1326.

COUNT 34

The Grand Jury further charges that:

On or about April 29, 2000, in the District of Hawaii and elsewhere, defendant FERMIN PENA and Felipe Ruiz-Castro used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute cocaine, heroin, crystal methamphetamine - "ice," and marijuana, all controlled substances, a felony under Title 21, United States Code, Section 846.


All in violation of Title 21, United States Code,
Section 843(b).

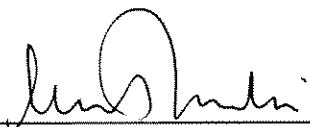
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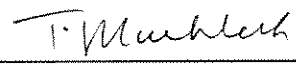
A TRUE BILL

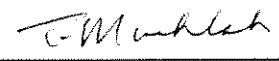
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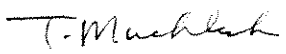
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Assistant U.S. Attorney

United States v. Jose Angel Lemon-Pena, et al.
Second Superseding Indictment
Cr. No. 00-00185 SOM